

10-170-0272

## APPLICATION FOR EMERGENCY PROTECTIVE ORDER (CLIENTS)

EPO-001

(name): [REDACTED] has provided the information in Items 1-5.  
 PERSONS TO BE PROTECTED (insert names of all persons to be protected by this order):  
 [REDACTED]

LAW ENFORCEMENT CASE NUMBER:

10-170-0272

PERSON TO BE RESTRAINED (name): STEVEN LEE VARGEM

Sex: ☒ M ☐ F Ht.: 5-5 Wt.: 160 Hair color: BR Eye color: BR Race: W Age: 49 Date of birth: 7-21-61

The events that cause the protected person to fear immediate and present danger of domestic violence, child abuse, child abduction, elder or dependent adult abuse (other than solely financial abuse), or stalking are (give facts and dates; specify weapons): SUSPECT PUSHED VICTIM TO GROUND CAUSING HEAD PAIN. SUSPECT HAS MADE VERBAL THREATS AND HAS PRIOR DOMESTIC VIOLENCE. SUSPECT CHECKED VICTIM WITH BETH HANSEN.

☒ The person to be protected lives with the person to be restrained and requests an order that the restrained person move out immediately from the address in Item 9.

☐ The person to be protected has minor children in common with the person to be restrained, and a temporary custody order is requested because of the facts alleged in Item 3. A custody order ☐ does ☐ does not exist.

☐ The person to be protected is a minor child in immediate danger of being abducted by the person to be restrained because of the facts alleged in item 3.

☐ A child welfare worker or probation officer had advised the undersigned that a juvenile court petition

☐ has already been filed. ☐ will be filed. ☐ will NOT be filed.

☐ Adult Protective Services has been notified.

Judicial officer (name): JESSICA FRISCHLING was contacted on (date): 6-19-10 at (time): 6:00 PM

☒ The judicial officer granted the Emergency Protective Order that follows.

J. BALBIANI #9051  
 (PRINT NAME OF LAW ENFORCEMENT OFFICER)

(SIGNATURE OF LAW ENFORCEMENT OFFICER)

SAN JOSE PD

Telephone No.: 277-4631

Badge No.: 8

## EMERGENCY PROTECTIVE ORDER (See reverse for important notices.)

To restrained person (name): STEVEN LEE VARGEM

a. ☒ You must not contact, molest, harass, attack, strike, threaten, sexually assault, batter, telephone, send any message to, follow, stalk, destroy any personal property of, disturb the peace of, or take any action to obtain the address or location of each person named in item 1.

☒ You must ☒ stay away at least 300 yards from each person named in item 1.  
☒ stay away at least 300 yards from ☒ move out immediately from

(address): [REDACTED], SAN JOSE, CA

☐ (Name): [REDACTED] is given temporary care and control of the following minor children of the parties (names and ages):

Reasonable grounds for the issuance of this order exist and an emergency protective order is necessary to prevent the occurrence of domestic violence, child abuse, child abduction, elder or dependent adult abuse, or stalking.

THIS EMERGENCY PROTECTIVE ORDER WILL EXPIRE AT 5:00 P.M. ON:

6-25-10

To protected person: If you need protection for a longer period of time, you must request restraining orders at (court name and address):

INSERT DATE OF FIFTH COURT DAY OR SEVEN CALENDAR DAY, WHICHEVER IS EARLIER. DO NOT COUNT DAY THE ORDER IS GRANTED.

SUPERIOR COURT-170 PARK CENTER PLAZA, SAN JOSE

## PROOF OF SERVICE

Person served (name):

personally delivered copies to the person served as follows: Date: Time:

Address:

At the time of service I was at least 18 years of age and not a party to this cause. ☐ I am a California sheriff or marshal. My name, address, and telephone number are (this does not have to be server's home telephone number or address):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(TYPE OR PRINT NAME OF SERVER)

(SIGNATURE OF SERVER)

Emergency Use  
 California  
 January 1, 2007

EMERGENCY PROTECTIVE ORDER (CLETS-EPO)  
 (Domestic Violence, Child Abuse, Elder or Dependent  
 Adult Abuse, or Stalking)

Family Court  
 Penal Code  
 www.courts.ca.gov

ONE copy to court, ONE copy to restrained person, ONE copy to protected person, ONE copy to issuing agency

GOVERNMENT  
 EXHIBIT

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## EMERGENCY PROTECTIVE ORDER WARNINGS AND INFORMATION

EPO-001

**VIOLATION OF THIS ORDER IS A MISDEMEANOR PUNISHABLE BY A \$1,000 FINE, ONE YEAR IN JAIL, OR BOTH, OR MAY BE PUNISHABLE AS A FELONY. PERSONS SUBJECT TO A RESTRAINING ORDER ARE PROHIBITED FROM OWNING, POSSESSING, PURCHASING, RECEIVING, OR ATTEMPTING TO PURCHASE OR RECEIVE A FIREARM (PENAL CODE SECTION 12021(g)). SUCH CONDUCT IS SUBJECT TO A \$1,000 FINE AND IMPRISONMENT OR BOTH. THIS ORDER SHALL BE ENFORCED BY ALL LAW ENFORCEMENT OFFICERS IN THE STATE OF CALIFORNIA WHO ARE AWARE OF OR SHOWN A COPY OF THE ORDER. UNDER PENAL CODE SECTION 13710(b), "THE TERMS AND CONDITIONS OF THE PROTECTION ORDER REMAIN ENFORCEABLE, NOTWITHSTANDING THE ACTS OF THE PARTIES, AND MAY BE CHARGED ONLY BY ORDER OF THE COURT."**

**To the restrained person:** This order will last until the date and time in Item 12 on the reverse. The protected person may, however, obtain a more permanent restraining order from the court. You may seek the advice of an attorney as to any matter connected with this order. The attorney should be consulted promptly so that the attorney may assist you in responding to the order.

**A la persona bajo restricción judicial:** Esta orden durará hasta la fecha y hora indicadas en el punto 12 al dorso. La persona protegida puede, sin embargo, obtener una orden de entredicho (restricción judicial) más permanente de la corte. Usted puede consultar a un abogado en conexión con cualquier asunto relacionado con esta orden. Debe consultar al abogado sin pérdida de tiempo para que él o ella le pueda ayudar a responder a la orden.

**To the protected person:** This order will last only until the date and time noted in Item 12 on the reverse. If you wish to seek continuing protection, you will have to apply for an order from the court at the address in Item 13, or you should apply to the court in the county where you live. If it is a difficult county and the violence is likely to occur there. You may apply for a protective order free of charge. In the case of an endangered child, you may also apply for a more permanent order at the address in Item 13, or if there is a juvenile dependency action pending you may apply for a more permanent order under section 213.5 of the Welfare and Institutions Code. In the case of a child being abducted, you may apply for a *Child Custody Order* from the court at the address in Item 13. You may seek the advice of an attorney as to any matter connected with your application for any future court orders. The attorney should be consulted promptly so that the attorney may assist you in making your application. You do not have to have an attorney to get the protective order.

**A la persona protegida:** Esta orden durará sólo hasta la fecha y hora indicadas en el punto 12 al dorso. Si usted desea que la protección continúe, tendrá que solicitar una orden de la corte en la dirección indicada en el artículo 13, o tendrá que hacer la solicitud ante la corte del condado donde usted vive, si se trata de un condado diferente y es probable que la violencia ocurra allí. La solicitud de la orden de protección es gratis. En el caso de que un niño o una niña se encuentre en peligro, puede solicitar una orden más permanente en la dirección indicada en el artículo 13 o, si hay una acción legal pendiente de tutela juvenil, puede solicitar una orden más permanente conforme a la sección 213.5 del código titulado en inglés *Welfare and Institutions Code*. En el caso del secuestro de un niño o una niña, usted puede solicitar de la corte una orden para la guarda del niño o de la niña (*Child Custody Order*), en la dirección indicada en el artículo 13 de este formulario. Puede consultar a un abogado en conexión con cualquier asunto relacionado con las solicitudes de órdenes de la corte que usted presente en el futuro. Debe consultar un abogado sin pérdida de tiempo para que él o ella le pueda ayudar a presentar su solicitud. Para obtener la orden de protección no es necesario que un abogado le represente.

**To law enforcement:** Penal Code section 13710(c) provides that, upon request, law enforcement shall serve the party to be restrained at the scene of a domestic violence incident or at any time the restrained party is in custody. The officer who requested the emergency protective order, while on duty, shall carry copies of the order. The emergency protective order shall be served upon the restrained party by the officer, if the restrained party can reasonably be located, and a copy shall be given to the protected party. A copy also shall be filed with the court as soon as practicable after issuance. The availability of an emergency protective order shall not be affected by the fact that the endangered person has vacated the household to avoid abuse. A law enforcement officer shall use every reasonable means to enforce an emergency protective order issued pursuant to this subdivision. A law enforcement officer acting pursuant to this subdivision shall not be held civilly or criminally liable if he or she has acted in good faith with regard thereto.

**If a child is in danger of being abducted:** This order will last only until the date and time noted in Item 12 on the reverse. You may apply for a child custody order from the court.

**En el caso de peligro de secuestro de un niño o de una niña:** Esta orden será válida sólo hasta la hora y fecha indicadas en el punto 12 al dorso. Usted puede solicitar del al corte una orden para la guarda del niño o de la niña (*Child Custody Order*).

*This emergency protective order is effective when made. This order shall expire on the date and time specified in item 12 on the reverse. The provisions of this emergency protective order take precedence in enforcement over provisions of other existing protective orders between the same protected and restrained persons to the extent the provisions of this order are more restrictive. In other words, the provisions in this emergency protective order take precedence over the provisions in any other protective order, including a criminal protective order, if (1) the person to be protected is already protected by the other protective order, (2) the person to be restrained is subject to that other order, and (3) the provisions in this emergency order are more restrictive than the provisions in that other order. The provisions in another existing protective order remain in effect and take precedence if they are more restrictive than the provisions in this emergency protective order.*

EPO-001 (rev. January 1, 2007)

**EMERGENCY PROTECTIVE ORDER (CLETS-EPO)  
(Domestic Violence, Child Abuse, Elder or Dependent  
Adult Abuse, or Stalking)**

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